

RECEIVED
FEDERAL ELECTION
COMMISSION

RECEIVED
FEC MAIL CENTER
2011 JUL 13 AM 9:37

Perkins
Coie

2011 JUL 13 AM 11:47

Judith L. Corley
Graham M. Wilson
PHONE: (202) 628-6600
FAX: (202) 654-9194

EMAIL: JCorley@perkinscoie.com
GWilson@perkinscoie.com

OFFICE OF GENERAL
COUNSEL

700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
PHONE: 202.654.6200
FAX: 202.654.6211
www.perkinscoie.com

VIA FACSIMILE AND HAND DELIVERY

July 12, 2011

Kim Collins
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6463

Dear Ms. Collins:

We write as counsel to the Democratic National Committee, including Organizing for America, Florida, a project of the DNC, and Andrew Tobias, Treasurer (collectively, the "DNC"). On May 16, 2011, we filed a response with the Commission regarding a complaint filed by Iraj J. Zand and Raymond Sehayek ("Complainants") on March 22, 2011 (the "Complaint"). We now further respond to additional information filed by Complainants on June 16, 2011 (the "Complaint Amendment"). While the Complaint Amendment alleges that Jack Antaramian, a past contributor to the DNC, may have personally obtained funds through "suspected money laundering, wire fraud, and mortgage fraud," it does not assert that Mr. Antaramian or the DNC violated the Federal Election Campaign Act of 1971, as amended (the "Act") or any other federal laws subject to the Commission's jurisdiction. Accordingly, and for the reasons stated in the DNC's original response, the Commission should immediately dismiss the Complaint.

Complaints to the Commission may only address violations of the Act and Chapter 95 or 96 of Title 26 of the U.S. Code. See 2 U.S.C. § 437g(a)(1) (2011) (providing that "[a]ny person who believes a violation of [the] Act or of chapter 95 or chapter 96 of title 26 has occurred, may file a complaint with the Commission."); see also 11 C.F.R. § 111.4(d)(3) (providing that a complaint should "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.")

24216-0001/LEGAL21293680.1

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DALLAS • DENVER • LOS ANGELES • MADISON • PALO ALTO
PHOENIX • PORTLAND • SAN DIEGO • SAN FRANCISCO • SEATTLE • SHANGHAI • WASHINGTON, D.C.

Perkins Coie LLP

12044321197

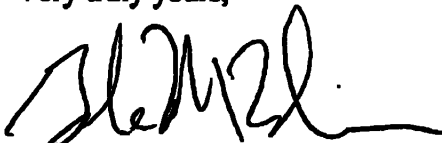
Kim Collins
July 12, 2011
Page 2

The Commission does not have jurisdiction over violations of other laws or civil claims not implicating the Act, and any allegations of such violations or claims should be dismissed. See MUR 5641, Statement of Reasons of Chairman Toner, Vice Chairman Lenhard, and Commissioners Mason, Spakovsky, Walther and Weintraub (May 10, 2006) (stating that where a complaint concerns nothing more than a contract dispute between two parties and does not allege a violation of the act, there is no basis for opening an investigation); MUR 5509, First General Counsel's Report (Feb. 24, 2005) at 8 (finding that, for example, the Commission has no jurisdiction over claims of civil rights violations); MUR 4855, Statement of Reasons of Commissioners Wold and Mason (Sept. 18, 2000) at 3 (noting that the alleged incompleteness of a candidate's financial disclosure statement does not represent a potential violation of the Act, and that, therefore, the Commission has no jurisdiction over such a complaint.)

The Complaint Amendment first alleges that Mr. Antaramian took money from Complainants that was supposed to be used in a Florida real estate development project, instead used the funds to purchase a residence for himself and his wife, and then sold the residence and kept the profits. The Complaint Amendment labels these allegations "money laundering/wire fraud." Next, the Complaint Amendment asserts that Mr. Antaramian committed "mortgage fraud" based on a lawsuit filed against Mr. Antaramian by Fifth Third Bank. Neither of these claims includes an allegation that Mr. Antaramian or the DNC violated the Act, and indeed, the Complaint Amendment does not even reference the Act. Finally, the Complaint Amendment does not include any new factual allegations that support the claims in the initial Complaint, and accordingly, the DNC reaffirms and continues to rely on its original response.

In conclusion, the Commission should find no reason to believe that the DNC violated the Act and should dismiss this matter immediately.

Very truly yours,



Judith L. Corley
Graham M. Wilson
Counsel to Respondents